

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SOUTH FORK BAND COUNCIL OF WESTERN)	CASE NO. 3:08-cv-616-LRH(RAM)
SHOSHONE OF NEVADA, et al.,)	
)	
Plaintiffs,)	MINUTES OF THE COURT
)	
vs.)	DATED: JANUARY 22, 2009
)	
U.S. DEPARTMENT OF INTERIOR, et al.,)	
)	
)	
Defendants.)	
_____)	
)	
BARRICK CORTEZ, INC.,)	
)	
Defendant/Intervenor.)	
_____)	

PRESENT: HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Rosemarie Miller Reporter: Margaret Griener

Counsel for Plaintiff(s): Roger Flynn and Jeff Parsons

Counsel for Defendant(s): Donna Fitzgerald, Sara Costello and Holly Vance

Counsel for Defendant/Intervenor: Francis Wikstrom, Michael Larsen, Michael McCarthy and Jeff Droubay

PROCEEDINGS: HEARING/PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
(12)

9:00 a.m. Court convenes.

George Fennemore, called on behalf of defendant/intervenor, is sworn and testifies on direct examination by Mr. Wikstrom. The following exhibits are admitted into evidence: DI-106, DI-74 (over objection of plaintiffs), DI-97 (over objection of plaintiffs), DI-98, DI-176, DI-107, DI-173 (illustrative), DI-108, DI-109, DI-110, DI-111, DI-146 (illustrative), DI-112, DI-113, DI-114, DI-115 and DI-145. Mr. Fennemore testifies on cross examination by Mr. Flynn, redirect examination by Mr. Wikstrom and is excused.

10:29 a.m. Court stands at recess.

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10:50 a.m. Court reconvenes.

William Wilson, called on behalf of defendant/intervenor, is sworn and testifies on direct examination by Mr. Wikstrom. Exhibit DI-171 is admitted into evidence. Mr. Wilson is excused. Exhibit DI-177 is admitted into evidence.

Dan Banghart, called on behalf of defendant/intervenor, is sworn, testifies on direct examination by Mr. Wikstrom, cross examination by Mr. Flynn and is excused.

Russ Harvey, called on behalf of defendant/intervenor, is sworn, testifies on direct examination by Mr. Larsen, cross examination by Mr. Flynn and is excused.

11:57 a.m. Court stands at recess.

1:33 p.m. Court reconvenes.

Richard Katsma, called on behalf of defendant/intervenor, is sworn, testifies on direct examination by Mr. Larsen, cross examination by Mr. Flynn and is excused.

Testimony of the following witnesses for defendant/intervenor is proffered by declaration. All witnesses are present in the Courtroom for cross examination by plaintiff: Larry Schmueser, Tobey Borkman, Dean Conley, Spencer Porter and Gene Etcheverry. Counsel for plaintiff waives cross examination.

John Dobra, Ph.D., called on behalf of defendant/intervenor, is sworn, testifies on direct examination by Mr. Wikstrom, and is excused.

Michael Alastuey, called on behalf of defendant/intervenor, is sworn, testifies on direct examination by Mr. Wikstrom, cross examination by Mr. Flynn, redirect by Mr. Wikstrom and is excused.

Defendant/Intervenor rests.

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Gerald Smith, Bureau of Land Management, called on behalf of the Government, is sworn, testifies on direct examination by Ms. Costello and cross examination by Mr. Flynn.

3:35 p.m. Court stands at recess.

3:55 p.m. Court reconvenes.

Gerald Smith, previously sworn, continues testimony on redirect examination by Ms. Costello and is excused.

Plaintiffs' Exhibits 9 and 10 are admitted into evidence.

At the Court's request, counsel identify subject matter areas that are subject to objection with regard to evidence presented this week. Mr. Flynn notes an error in the declaration of Carrie Dann, attached as an exhibit to the Motion for Preliminary Injunction. Mr. Flynn will provide a corrected copy to the Court and opposing counsel as soon as possible.

This hearing is continued to January 23, 2009 at 9:00 a.m.

4:20 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Rosemarie Miller
Deputy Clerk